

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 614

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO LICENSING; REVISING THE COUNSELING AND THERAPY
PRACTICE ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-9A-3 NMSA 1978 (being Laws 1993,
Chapter 49, Section 3, as amended) is amended to read:

"61-9A-3. DEFINITIONS.--As used in the Counseling and
Therapy Practice Act:

A. "accredited institution" means a university or
college accredited by a regional accrediting agency of
institutions of higher education;

B. "alcohol abuse counselor" means a person who
engages in the practice of alcohol abuse counseling;

C. "alcohol and drug abuse counselor" means a
person who engages in the practice of alcohol and drug abuse

1 counseling;

2 D. "appraisal" means selecting, administering,
3 scoring and interpreting instruments designed to assess an
4 individual's aptitudes, attitudes, abilities, achievements,
5 interests, personal characteristics and current emotional or
6 mental state by appropriately educated, trained and experienced
7 clinicians and the use of nonstandardized methods and
8 techniques for understanding human behavior in relation to
9 coping with, adapting to or changing life situations of a
10 physical, mental or emotional nature; "appraisal" shall not be
11 construed to permit the performance of any act that counselors
12 or therapists are not educated, trained and licensed to
13 perform;

14 E. "appropriate supervision" means supervision as
15 defined by rule, provided by a licensed professional clinical
16 mental health counselor, licensed professional mental health
17 counselor, licensed marriage and family therapist, licensed
18 professional art therapist, licensed psychiatrist, licensed
19 clinical psychologist, licensed alcohol and drug abuse
20 counselor with three years of alcohol and drug abuse experience
21 acquired after licensure, clinical nurse specialist in
22 psychiatry or licensed independent social worker with two years
23 of mental health and supervised clinical experience;

24 F. "appropriate clinical supervision" means
25 supervision provided to licensed mental health counselors or

1 therapists by a licensed professional clinical mental health
 2 counselor, licensed marriage and family therapist, licensed
 3 professional art therapist, licensed psychiatrist, licensed
 4 clinical psychologist, clinical nurse specialist in psychiatry
 5 or licensed independent social worker;

6 [F-] G. "board" means the counseling and therapy
 7 practice board;

8 [G-] H. "client contact hours" means the face-to-
 9 face time spent with a client to appraise, assess, evaluate,
 10 diagnose [and], treat psychopathology and provide counseling
 11 services;

12 [H-] I. "clinical counseling" means the rendering
 13 of counseling services involving the application of principles
 14 of psychotherapy, human development, learning theory, [~~group~~
 15 ~~dynamics~~] diagnosis, treatment and the etiology of mental
 16 illness and dysfunctional behavior to individuals, couples,
 17 families or groups for the purpose of assessing and treating
 18 psychopathology and promoting optimal mental health;

19 [I-] J. "consulting" and "consultation" means the
 20 voluntary, nonsupervisory relationship between professionals or
 21 other pertinent persons, in application of scientific
 22 counseling, guidance and human development principles and
 23 procedures [~~in psychotherapeutic counseling, guidance and human~~
 24 ~~development~~] to provide assistance in understanding and
 25 [~~solving~~] resolving a current or potential problem that the

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1 consultee may have in relation to a third party be it an
2 individual, group, family or organization;

3 K. "counselor training and education" means a
4 process that prepares counselors in both didactic and clinical
5 aspects of counseling;

6 L. "course" means an integrated, organized course
7 of study, which encompasses a minimum of one school semester or
8 equivalent hours;

9 [~~J-~~] M. "counseling" means the application of
10 scientific principles and procedures in therapeutic counseling,
11 guidance and human development to provide assistance in
12 understanding and solving a mental, emotional, physical,
13 social, moral, educational, spiritual or career development and
14 adjustment problem that a client may have;

15 N. "counseling-related field" means to include
16 those fields in which training includes coursework in the
17 diagnosis and treatment of mental disorders; guidance
18 counseling, mental health-community counseling or agency
19 counseling; clinical psychology, counseling psychology; human
20 and family studies; art therapy and art education with
21 appropriate clinical background to meet the clinical core
22 curriculum;

23 [~~K-~~] O. "counseling and therapy practice" means the
24 licensed or registered practice of professional art therapy,
25 professional clinical mental health counseling, professional

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1 mental health counseling, independent mental health counseling,
 2 marriage and family therapy, alcohol abuse counseling, drug
 3 abuse counseling and alcohol and drug abuse counseling;

4 ~~[L. "counselor and therapist practitioners" means~~
 5 ~~professional art therapists, professional clinical mental~~
 6 ~~health counselors, professional mental health counselors,~~
 7 ~~marriage and family therapists, registered mental health~~
 8 ~~counselors, registered independent mental health counselors,~~
 9 ~~alcohol abuse counselors, drug abuse counselors and alcohol and~~
 10 ~~drug abuse counselors as a group;]~~

11 P. "counselor and therapist practitioner" means a
 12 professional art therapist, professional clinical mental health
 13 counselor, professional mental health counselor, licensed
 14 mental health counselor, marriage and family therapist,
 15 registered mental health counselor, registered independent
 16 mental health counselor, licensed substance abuse trainee,
 17 alcohol abuse counselor, drug abuse counselor and alcohol and
 18 drug abuse counselor;

19 ~~[M-]~~ Q. "department" means the regulation and
 20 licensing department or the division of the department
 21 designated to administer the counseling and therapy practice
 22 board;

23 ~~[N. "direct observation" means under supervision by~~
 24 ~~an appropriate supervisor with the supervisee in one or more of~~
 25 ~~the following settings: face-to-face, co-facilitation, one way~~

1 ~~mirrors or direct audio-visual;~~

2 R. "diagnosis and treatment planning" means
3 assessing, analyzing and providing diagnostic descriptions of
4 mental, emotional or behavioral conditions; exploring possible
5 solutions; and developing and implementing a treatment plan for
6 mental, emotional and psychosocial adjustment or development.
7 "Diagnosis and treatment planning" shall not be construed to
8 permit the performance of any act that counselors are not
9 educated, trained and licensed to perform;

10 ~~[0-]~~ S. "drug abuse counselor" means a person who
11 engages in the practice of drug abuse counseling;

12 T. "evaluation" means the act of making informed
13 decisions based on the use and analysis of pertinent data;

14 U. "internship" means a distinctly defined, pre-
15 graduate, supervised, capstone clinical experience in which the
16 student refines and enhances basic counseling or student
17 development knowledge and skills; integrates and authenticates
18 professional knowledge and skills appropriate to the student's
19 program and preparation for postgraduate professional
20 placement;

21 V. "licensed mental health counselor" means a
22 person who is licensed by the board and is authorized by the
23 board to engage in the practice of mental health counseling
24 under appropriate supervision;

25 W. "licensure" means the process by which a state

1 agency or government grants permission to an individual to
 2 engage in a given profession and to use the designated title of
 3 that profession after the applicant has attained the minimal
 4 degree of competency necessary to ensure that the public
 5 health, safety and welfare are reasonably well protected;

6 [P.] X. "marriage and family therapy" means the
 7 assessment, diagnosis and treatment of nervous and mental
 8 disorders, whether cognitive, affective or behavioral, within
 9 the context of marriage and family systems;

10 [Q.] Y. "marriage and family therapist" means a
 11 person who is licensed for independent practice of marriage and
 12 family therapy without supervision;

13 [R.] Z. "mental disorder" means any of several
 14 conditions or disorders that meet the diagnostic criteria
 15 contained in the diagnostic and statistical manual of the
 16 American psychiatric association or the world health
 17 organization's international classification of diseases manual;

18 AA. "peer counselor" means a non-licensed service
 19 provider;

20 [S.] BB. "practice of alcohol or drug abuse
 21 counseling" means the licensed practice of counseling services,
 22 as defined by [~~regulation~~] rule of the board, to individuals,
 23 couples, families or groups. The services may include
 24 screening, assessment, consultation, development of treatment
 25 plans, case management, counseling, referral, appraisal, crisis

1 intervention, education, reporting and recordkeeping;

2 ~~[F-]~~ CC. "practice of art therapy" means the
3 licensed practice of counseling services to individuals,
4 families or groups of services that use art media as a means of
5 expression and communication to promote perceptive, intuitive,
6 affective and expressive experiences that alleviate distress,
7 reduce physical, emotional, behavioral and social impairment
8 and lead to growth or reintegration of one's personality. Art
9 therapy services include diagnostic evaluation, development and
10 implementation of patient treatment plans, goals and
11 objectives, case management services and therapeutic treatment
12 as defined by ~~[regulation]~~ rule of the board;

13 ~~[U-]~~ DD. "practice of marriage and family therapy"
14 means the licensed practice of marriage and family therapy
15 services delivered to individuals, ~~[family groups and marital~~
16 ~~couples]~~ couples and families treated singly or in groups, for
17 a cognitive behavioral, emotional or relationally disruptive
18 issue or a diagnosed mental or physical disorder in at least
19 one member of the couple or family being treated. The
20 "practice of marriage and family therapy" involves the
21 professional application of psychotherapeutic, human
22 development and family systems theories and techniques in a
23 therapeutic relationship to bring about change, and includes
24 the services of diagnostic evaluation, development and
25 implementation of patient treatment plans, goals and

1 objectives, case management services, therapeutic treatment,
 2 research, appraisal, consulting and referral as defined by
 3 ~~[regulation]~~ rule of the board ~~[in the delivery of services to~~
 4 ~~individuals, couples and families and involves the presence of~~
 5 ~~a diagnosed mental or physical disorder in at least one member~~
 6 ~~of the couple or family being treated];~~

7 [V-] EE. "practice of professional clinical mental
 8 health counseling" means the licensed practice of mental health
 9 clinical counseling to individuals, couples, families or groups
 10 and the diagnosis and treatment of mental and emotional
 11 disorders as defined by the ~~[American psychiatric association~~
 12 ~~or]~~ diagnostic and statistical manual of mental disorders of
 13 the world health organization. "Practice of professional
 14 clinical mental health counseling" includes diagnostic
 15 evaluation, development and implementation of patient treatment
 16 plans, goals and objectives, case management services,
 17 therapeutic treatment, research and clinical mental health
 18 appraisal, consulting, counseling and referral as defined by
 19 ~~[regulation]~~ rule of the board;

20 [W-] FF. "practice of professional mental health
 21 counseling" means the licensed practice of a therapeutic, non-
 22 clinical counseling service that integrates a wellness and
 23 multicultural model of human behavior involving certain methods
 24 and techniques of appraisal, including consulting, counseling
 25 and referral as defined by ~~[regulation]~~ rule of the board;

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1 ~~[X.]~~ GG. "practice of registered mental health
2 counseling" or "practice of licensed mental health counseling"
3 means the registered or licensed practice, under appropriate
4 supervision, of a therapeutic counseling service that
5 integrates a wellness and multicultural model of human behavior
6 involving certain methods and techniques of appraisal,
7 including consulting, counseling and referral as defined by
8 ~~[regulation]~~ rule of the board;

9 ~~[Y.]~~ HH. "practice of registered independent mental
10 health counseling" means the registered independent practice of
11 a therapeutic counseling service that integrates a wellness and
12 multicultural model of human behavior involving certain methods
13 and techniques of appraisal, including consulting, counseling
14 and referral as defined by ~~[regulation]~~ rule of the board;

15 II. "practicum" means a distinctly defined,
16 supervised clinical experience in which the student develops
17 basic counseling skills and integrates professional knowledge.
18 Practicum is completed prior to internship;

19 JJ. "program" means a structured sequence of
20 curricular and clinical experiences housed within an academic
21 unit;

22 ~~[Z.]~~ KK. "professional art therapist" means a
23 licensed person who engages in the practice of art therapy
24 without supervision;

25 ~~[AA.]~~ LL. "professional clinical mental health

1 counselor" means a licensed person who engages in the
 2 independent practice of professional clinical mental health
 3 counseling without supervision;

4 ~~[BB.]~~ MM "professional mental health counselor"
 5 means a licensed person who engages in the practice of
 6 professional mental health counseling without supervision;
 7 however, professional mental health counselors may diagnose and
 8 treat under appropriate supervision;

9 ~~[CC.]~~ NN. "referral" means ~~[the evaluation of~~
 10 ~~information to identify needs of the person being counseled to~~
 11 ~~determine the advisability of sending the person being~~
 12 ~~counseled to other specialists, informing the person being~~
 13 ~~counseled of such judgment and communicating the information to~~
 14 ~~other counseling services as deemed appropriate]~~ evaluating and
 15 identifying the needs of a client to determine the advisability
 16 of referrals to other specialists, advising the counselee of
 17 such judgements and communicating as requested or deemed
 18 appropriate to such referral sources;

19 ~~[DD. "licensed mental health counselor" means a~~
 20 ~~person who is licensed by the board and is authorized by the~~
 21 ~~board to engage in the practice of mental health counseling~~
 22 ~~under appropriate supervision;]~~

23 00. "research" means a systematic effort to
 24 collect, analyze and interpret quantitative or qualitative data
 25 that describe how social characteristics, behavior, emotions,

underscored material = new
 [bracketed material] = delete

1 cognition, disabilities, mental disorders and interpersonal
2 transactions among individuals, couples, families and
3 organizations interact;

4 [EE-] PP. "registered independent mental health
5 counselor" means ~~[an individual]~~ a person who is registered
6 with the board and is authorized by the board to engage in the
7 practice of mental health counseling without supervision;

8 QQ. "standard" means a minimal criterion that must
9 be met;

10 [FF-] RR. "substance abuse counselor" means a
11 person who is licensed to practice alcohol and drug abuse
12 counseling; ~~[alcohol abuse counseling, or drug abuse~~
13 ~~counseling; and~~

14 ~~GG-]~~ SS. "substance abuse ~~[intern]~~ trainee" means a
15 person who is licensed to practice ~~[alcohol and drug abuse~~
16 ~~counseling, alcohol abuse counseling or drug abuse counseling]~~
17 under ~~[direct observation]~~ appropriate supervision defined by
18 rule; and

19 TT. "supervision" means a tutorial and mentoring
20 form of instruction in which a supervisor monitors the
21 student's activities in practicum and internship, or licensees
22 in other clinical situations and facilitates the learning and
23 skill development experiences associated with practicum,
24 internship or other clinical situations. The supervisor
25 monitors and evaluates the clinical work of the student or

1 licensee while monitoring the quality of services offered to
2 clients. "

3 Section 2. Section 61-9A-4 NMSA 1978 (being Laws 1993,
4 Chapter 49, Section 4, as amended) is amended to read:

5 "61-9A-4. LICENSE OR REGISTRATION REQUIRED. --

6 A. Unless licensed or registered to practice under
7 the Counseling and Therapy Practice Act, no person shall engage
8 in [~~the practice of~~]:

9 (1) the practice of professional mental health
10 counseling;

11 (2) the practice of professional clinical
12 mental health counseling;

13 (3) marriage and family therapy;

14 (4) professional art therapy;

15 (5) counseling as a licensed mental health
16 counselor; [~~or~~]

17 (6) counseling as a registered independent
18 mental health counselor; or

19 (7) counseling as a registered mental health
20 counselor.

21 B. Unless licensed to practice under the Counseling
22 and Therapy Practice Act, no person shall engage in [~~the~~
23 ~~practice of~~]:

24 (1) the practice of alcohol and drug abuse
25 counseling;

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- 1 (2) the practice of alcohol abuse counseling;
- 2 (3) the practice of drug abuse counseling; or
- 3 (4) substance abuse counseling as a substance
- 4 abuse ~~[intern]~~ trainee. "

5 Section 3. Section 61-9A-5 NMSA 1978 (being Laws 1993,
6 Chapter 49, Section 5, as amended) is amended to read:

7 "61-9A-5. [~~SCOPE OF PRACTICE~~] DESCRIPTION OF
8 PRACTICING. --

9 A. For the purpose of the Counseling and Therapy
10 Practice Act, a person is practicing as a professional mental
11 health counselor, professional clinical mental health
12 counselor, marriage and family therapist, professional art
13 therapist, registered independent mental health counselor,
14 registered mental health counselor, licensed mental health
15 counselor, alcohol and drug abuse counselor, alcohol abuse
16 counselor, drug abuse counselor or substance abuse ~~[intern]~~
17 trainee if he advertises; offers himself to practice; is
18 employed in a position described as professional mental health
19 counselor, professional clinical mental health counselor,
20 marriage and family therapist, professional art therapist,
21 registered independent mental health counselor, registered
22 mental health counselor, alcohol and drug abuse counselor,
23 alcohol abuse counselor, drug abuse counselor or substance
24 abuse ~~[intern]~~ counselor trainee; or holds out to the public or
25 represents in any manner that he is licensed or registered to

1 practice as ~~[such]~~ a counselor or therapist enumerated in this
 2 section in this state.

3 ~~[B. The scope of the practice of alcohol or drug~~
 4 ~~abuse counseling, or both, consists of rendering counseling~~
 5 ~~services, as defined by regulation, to individuals, couples,~~
 6 ~~families or groups. The services may include screening,~~
 7 ~~assessment, consultation, development of treatment plans, case~~
 8 ~~management, counseling, referral, appraisal, crisis~~
 9 ~~intervention, education, reporting and recordkeeping.]~~

10 B. "Practice of professional clinical mental health
 11 counseling, professional art therapist or marriage and family
 12 therapist" means the application of mental health,
 13 psychotherapeutic and human development principles through a
 14 therapeutic relationship to:

15 (1) achieve the mental, emotional, physical,
 16 social, moral, educational, spiritual or career-related
 17 development and adjustment of the client throughout the
 18 client's life;

19 (2) diagnose, evaluate, prevent and treat
 20 mental, emotional or behavioral disorders and associated
 21 distresses that interfere with mental health;

22 (3) conduct appraisal, assessments and
 23 evaluations to establish treatment goals and objectives; and

24 (4) plan, implement and evaluate treatment
 25 plans using counseling treatment interventions and strategies.

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1 C. "Practice of licensed mental health counselor
2 and registered mental health counselor under appropriate
3 supervision" consists of rendering counseling services, which
4 may include evaluation, assessment, consultation, diagnosing
5 under supervision, development of treatment plans, case
6 management counseling referral, appraisal, crisis intervention
7 education, reporting and recordkeeping to individuals, couples,
8 families or groups as defined by regulation.

9 D. "Practice of licensed professional mental health
10 counselor" consists of rendering counseling services, which may
11 include evaluation, assessment, diagnoses, consultation,
12 development of treatment plans, case management, counseling,
13 referral, appraisal, crisis intervention education, reporting
14 and recordkeeping to individuals, couples, families or groups
15 as defined by regulation.

16 E. The scope of practice of alcohol or drug abuse
17 counseling, or both, consists of rendering treatment and
18 intervention services specific to alcohol and other drug use
19 disorders to individuals, couples, families or groups. The
20 services may include evaluation, assessment, diagnosis of
21 chemical abuse and chemical dependency disorders only,
22 consultation, development of treatment plans, case management-
23 counseling, referral, appraisal, crisis intervention,
24 education, reporting and recordkeeping. Nothing in this scope
25 of practice shall be construed as preventing licensed alcohol

1 abuse counselors, drug abuse counselors and alcohol and drug
 2 abuse counselors from providing screening and referrals for
 3 mental health disorders. However, assessment, treatment and
 4 diagnosis for such disorders is not within the scope of
 5 practice of this license. The practice of these activities
 6 will be limited to the individual's level of training,
 7 education and supervised experience.

8 F. The scope of practice of a substance abuse
 9 trainee under the supervision by an appropriate supervisor is
 10 limited to supervised work in a public or private institution.
 11 The trainee may be involved in taking social histories or
 12 conducting home studies. The trainee utilizes the basic
 13 problem-solving process of gathering information, assessing
 14 that information at a beginning professional level and
 15 developing an intervention plan. The trainee may implement the
 16 plan and conduct follow-ups pertaining specifically to alcohol
 17 and drug abuse counseling. The trainee may provide client
 18 education and assist licensed counselor-therapist with group or
 19 individual counseling sessions."

20 Section 4. Section 61-9A-6 NMSA 1978 (being Laws 1993,
 21 Chapter 49, Section 6, as amended) is amended to read:

22 "61-9A-6. EXEMPTIONS. --

23 A. Nothing in the Counseling and Therapy Practice
 24 Act [~~shall be construed to prevent~~] prohibits:

25 (1) a person who is licensed, certified or

1 regulated under the laws of this state from engaging in
2 activities consistent with the standards and ethics of his
3 profession or practice; or

4 (2) an alternative, ~~metaphysical~~ or holistic
5 practitioner from engaging in nonclinical activities consistent
6 with the standards and codes of ethics of that practice.

7 B. Specifically exempted from the Counseling and
8 Therapy Practice Act are:

9 (1) elementary and secondary school counselors
10 acting on behalf of their employer who are [~~otherwise~~
11 ~~regulated~~] not licensed pursuant to the Counseling and Therapy
12 Practice Act;

13 (2) peer counselors of domestic violence or
14 independent-living peer counselors working under appropriate
15 supervision in a nonprofit corporation, association or similar
16 entity;

17 (3) duly ordained, ~~commissioned~~ or licensed
18 ministers of a church or lay pastoral-care assistants providing
19 pastoral services on behalf of a church;

20 (4) a person who is enrolled in an internship
21 or practicum under appropriate supervision and is in the
22 internship or practicum for the sole purpose of acquiring an
23 advanced degree in mental health counseling, marriage and
24 family therapy or art therapy or a degree in substance abuse
25 counseling; and

1 (5) practitioners of Native American healing
 2 arts. "

3 Section 5. Section 61-9A-7 NMSA 1978 (being Laws 1993,
 4 Chapter 49, Section 7, as amended) is amended to read:

5 "61-9A-7. BOARD CREATED-- MEMBERS-- APPOINTMENT-- TERMS--
 6 COMPENSATION.--

7 A. There is created the "counseling and therapy
 8 practice board" [~~which~~]. The board is administratively
 9 attached to the department.

10 B. The board [~~shall consist~~] consists of nine
 11 members who are United States citizens and have been New Mexico
 12 residents for at least five years prior to their appointment.
 13 Of the nine members:

14 (1) five members shall be professional
 15 members, who shall be a professional mental health counselor, a
 16 professional clinical mental health counselor, a marriage and
 17 family therapist, a professional art therapist and an alcohol
 18 and drug abuse counselor, licensed under the Counseling and
 19 Therapy Practice Act and shall have engaged in a counselor and
 20 therapist practice for at least five years. [~~These members~~
 21 ~~shall not hold any elected or appointed office in any~~
 22 ~~professional organization of counseling, psychology or closely~~
 23 ~~related field during their tenure on the board, nor shall they~~
 24 ~~be school owners.] The professional mental health counselor
 25 shall also represent the registered independent and licensed~~

1 mental health counselors; and

2 (2) four members shall represent the public.

3 The public members shall not have been licensed or have
4 practiced as counselor or therapist practitioners or in any
5 other regulated mental health profession, nor have any
6 significant financial interest, either direct or indirect, in
7 the professions regulated.

8 C. ~~At~~ Members of the board shall be appointed by
9 the governor for staggered terms of four years. ~~Each~~ A
10 member shall hold office until his successor is appointed.
11 Vacancies shall be filled in the same manner as original
12 appointments. No appointee shall serve more than two terms.

13 D. The governor may appoint professional board
14 members from a list of nominees submitted by qualified
15 individuals and organizations, including the New Mexico
16 counseling association, the New Mexico association for marriage
17 and family therapy, the New Mexico art therapy association and
18 the alcohol and drug directors association.

19 E. Members of the board shall be reimbursed as
20 provided in the Per Diem and Mileage Act and shall receive no
21 other compensation, perquisite or allowance.

22 F. The board shall elect annually from its
23 membership a chairman and a secretary and other officers as
24 necessary to carry out its duties.

25 G. The board shall meet at least twice a year and

1 at other times deemed necessary. Other meetings may be called
 2 by the chairman upon the written request of three members of
 3 the board. A simple majority of the board members shall
 4 constitute a quorum of the board.

5 H. Any member failing to attend three meetings
 6 after proper notice shall be automatically recommended for
 7 removal as a board member, unless excused by the board chair
 8 for one of the following reasons:

9 (1) extenuating circumstances beyond his
 10 control, including illness;

11 (2) prearranged activities out of town; or

12 (3) other severe circumstances that do not
 13 allow a member to attend."

14 Section 6. Section 61-9A-8 NMSA 1978 (being Laws 1993,
 15 Chapter 49, Section 8, as amended) is amended to read:

16 "61-9A-8. DEPARTMENT DUTIES. --The department, with the
 17 consultation of the board, shall:

18 A. process applications and conduct and review the
 19 required examinations;

20 B. issue licenses and certificates of registration
 21 to applicants who meet the requirements of the Counseling and
 22 Therapy Practice Act;

23 C. administer, coordinate and enforce the
 24 provisions of the Counseling and Therapy Practice Act and
 25 investigate persons engaging in practices that may violate the

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1 provisions of that act;

2 D. ~~[hire]~~ approve the selection of primary staff
3 ~~[as necessary to carry out the provisions of the Counseling and~~
4 ~~Therapy Practice Act]~~ assigned to the board;

5 E. maintain records, including financial records;
6 and

7 F. maintain a current register of licensees and
8 registrants as a matter of public record. "

9 Section 7. Section 61-9A-9 NMSA 1978 (being Laws 1993,
10 Chapter 49, Section 9, as amended) is amended to read:

11 "61-9A-9. BOARD- - POWERS AND DUTIES. - -

12 A. The board may:

13 (1) adopt in accordance with the Uniform
14 Licensing Act and file in accordance with the State Rules Act
15 rules necessary to carry out the provisions of the Counseling
16 and Therapy Practice Act;

17 (2) select and provide for the administration
18 of, at least, semiannual examinations for licensure;

19 (3) establish the passing scores for
20 examinations;

21 (4) take any disciplinary action allowed by
22 and in accordance with the Uniform Licensing Act;

23 (5) censure, reprimand or place a licensee or
24 registrant on probation ~~[for a period not to exceed one year];~~

25 (6) require and establish criteria for

1 continuing education;

2 (7) establish by rule procedures for
3 receiving, investigating and resolving complaints;

4 (8) approve appropriate supervision and post-
5 graduate experience for persons seeking licensure or
6 registration;

7 (9) provide for the issuance of licenses [~~and~~
8 ~~certificates of registration~~];

9 (10) determine eligibility of individuals for
10 licensure or registration;

11 (11) set fees for administrative services,
12 licenses and registration, as authorized by the Counseling and
13 Therapy Practice Act, and authorize all disbursements necessary
14 to carry out the provisions of that act;

15 (12) establish criteria for supervision and
16 supervisory requirements;

17 (13) establish a code of ethics; and

18 (14) establish committees.

19 B. The board may establish a standards committee
20 for each licensed profession. The members of each standards
21 committee shall be appointed by the board with the consent of
22 the department and shall include at least one board member from
23 the licensed profession and at least one public board member.
24 The board member representing each respective profession shall
25 chair its standards committee and the committee shall:

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1 (1) recommend and periodically review a code
2 of ethics;

3 (2) review license applications and recommend
4 approval or disapproval;

5 (3) develop criteria for supervision; and

6 (4) recommend rules [~~and regulations~~].

7 C. Members of the standards committees or other
8 committees may be reimbursed as provided in the Per Diem and
9 Mileage Act, but shall receive no other compensation,
10 perquisite or allowance. [~~These members shall not hold any
11 elected office in any professional organization of counseling,
12 psychology or closely related field during their tenure on the
13 standards committees.~~]"

14 Section 8. Section 61-9A-10 NMSA 1978 (being Laws 1993,
15 Chapter 49, Section 10, as amended) is amended to read:

16 "61-9A-10. PROFESSIONAL MENTAL HEALTH COUNSELOR--
17 REQUIREMENTS FOR LICENSURE.--The board shall issue a license as
18 a professional mental health counselor to any person who files
19 a completed application accompanied by the required fees and
20 who submits satisfactory evidence that the applicant:

21 A. has reached the age of twenty-one;

22 B. holds a master's or doctoral degree in
23 counseling or [~~an allied mental health~~] a counseling-related
24 field, as defined by rule, from an accredited institution;

25 C. demonstrates professional competency by passing

1 ~~[an examination as]~~ the required examinations prescribed by the
2 board;

3 D. has completed one thousand client contact hours
4 of postgraduate professional counseling experience under
5 appropriate supervision consisting of at least one hundred
6 supervision hours; and

7 E. is of good moral character with conduct
8 consistent with the code of ethics."

9 Section 9. Section 61-9A-11 NMSA 1978 (being Laws 1993,
10 Chapter 49, Section 11, as amended) is amended to read:

11 "61-9A-11. PROFESSIONAL CLINICAL MENTAL HEALTH
12 COUNSELOR--REQUIREMENTS FOR LICENSURE. --The board shall issue a
13 license as a professional clinical mental health counselor to
14 any person who files a completed application accompanied by the
15 required fees and who submits satisfactory evidence that the
16 applicant:

17 A. has reached the age of twenty-one;

18 B. holds a master's or doctoral degree in
19 ~~[counseling or an allied mental health]~~ a counseling-related
20 field, as defined by rule, from ~~[an]~~ a regionally accredited
21 institution. Effective July 1, ~~[1998]~~ 2003, the applicant must
22 have a master's degree and a total of no less than forty-eight
23 graduate semester hours or seventy-two quarter hours in the
24 mental health clinical core curriculum;

25 C. demonstrates professional competency by passing

1 ~~[an]~~ the required examination as prescribed by the board;

2 D. has a minimum of two years of professional
3 clinical counseling experience, including at least three
4 thousand clinical contact hours and at least one hundred hours
5 of face-to-face supervision. One thousand client clinical
6 contact hours may be submitted from the applicant's internship
7 or practicum; and

8 E. is of good moral character with conduct
9 consistent with the code of ethics."

10 Section 10. Section 61-9A-11.1 NMSA 1978 (being Laws
11 1999, Chapter 161, Section 10) is amended to read:

12 "61-9A-11.1. PROFESSIONAL CLINICAL MENTAL HEALTH
13 COUNSELOR--REQUIREMENTS FOR LICENSURE. --The board shall issue a
14 license as a professional clinical mental health counselor to
15 any person who files a completed application accompanied by the
16 required fees within the July 1, 2000 through July 1, 2004
17 period and who submits satisfactory evidence that the
18 applicant:

19 A. has reached the age of twenty-one;

20 B. holds a grandfathered professional mental health
21 counselor license that was applied for prior to July 1, 1994;

22 C. holds a master's or doctoral degree and a total
23 of ~~[sixty]~~ forty-eight graduate semester hours or more or
24 seventy-two quarter hours from a regionally accredited
25 institution;

1 D. demonstrates professional competency by
 2 satisfactorily passing [~~an examination~~] the required
 3 examinations as prescribed by the board, or documentation of
 4 ten thousand hours of client contact experience, including at
 5 least three hundred hours of face-to-face supervision of which
 6 at least one hundred hours are individual;

7 E. has a minimum of five thousand hours of client
 8 contact experience, including at least two hundred hours of
 9 face-to-face supervision of which one hundred hours are
 10 individual; and

11 F. is of good moral character with conduct
 12 consistent with the code of ethics."

13 Section 11. A new section of the Counseling and Therapy
 14 Practice Act, Section 61-9A-11.2 NMSA 1978, is enacted to read:

15 "61-9A-11.2. [NEW MATERIAL] PROFESSIONAL CLINICAL MENTAL
 16 HEALTH COUNSELOR--REQUIREMENTS FOR LICENSING.--The board shall
 17 issue a license as a professional clinical mental health
 18 counselor to any person who files a completed application
 19 accompanied by the required fees within the July 1, 2003
 20 through July 1, 2004 period and who submits satisfactory
 21 evidence that the applicant:

22 A. has reached the age of twenty-one;

23 B. holds a professional mental health counselor
 24 license that was applied for between July 1, 1994 through July
 25 1, 1998;

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underscored material = new
 [bracketed material] = delete

1 C. holds a ~~master's~~ or doctoral degree and a total
2 of forty-eight graduate semester hours or seventy-two quarter
3 hours from a regionally accredited institution;

4 D. demonstrates professional competency by
5 satisfactorily passing the required examinations as prescribed
6 by the board, ~~[or]~~ and documents five thousand hours of
7 supervised client contact experience, including at least two
8 hundred hours of face-to-face supervision of which one hundred
9 hours are individual; and

10 E. is of good moral character with conduct
11 consistent with the code of ethics."

12 Section 12. Section 61-9A-12 NMSA 1978 (being Laws 1993,
13 Chapter 49, Section 12, as amended) is amended to read:

14 "61-9A-12. MARRIAGE AND FAMILY THERAPIST--REQUIREMENTS
15 FOR LICENSURE.--The board shall issue a license as a marriage
16 and family therapist to ~~[any]~~ a person who files a completed
17 application accompanied by the required fees and who submits
18 satisfactory evidence that the applicant:

19 A. has reached the age of twenty-one;

20 B. holds a ~~master's~~ or doctoral degree with a focus
21 in marriage and family therapy ~~[or]~~ and meets the requirements
22 of the core curriculum, as defined by rule, in marriage and
23 family therapy from an accredited institution;

24 C. demonstrates professional competency by passing
25 ~~[an examination]~~ the examinations as prescribed by the board;

1 D. has a minimum of two years of postgraduate
 2 marriage and family therapy experience consisting of one
 3 thousand client contact hours and two hundred hours of
 4 appropriate supervision, of which one hundred hours of such
 5 supervision was on an individual basis; and

6 E. is of good moral character with conduct
 7 consistent with the code of ethics."

8 Section 13. Section 61-9A-13 NMSA 1978 (being Laws 1993,
 9 Chapter 49, Section 13, as amended) is amended to read:

10 "61-9A-13. PROFESSIONAL ART THERAPIST--REQUIREMENTS FOR
 11 LICENSURE.--The board shall issue a license as a professional
 12 art therapist to any person who files a completed application
 13 accompanied by the required fees and who submits satisfactory
 14 evidence that the applicant:

15 A. has reached the age of twenty-one;

16 B. demonstrates professional competency by passing
 17 an examination as prescribed by the board;

18 C. holds either:

19 (1) a master's or doctoral degree from a
 20 regionally accredited institution or nationally approved art
 21 therapy program in art therapy that includes [~~six~~] seven
 22 hundred hours of supervised internship experience from an
 23 accredited institution; [~~or~~]

24 (2) a master's degree in a counseling-related
 25 field, as defined by rule, has a minimum of [~~twenty-one~~]

underscored material = new
 [bracketed material] = delete

1 twenty-four semester hours of sequential course work in the
2 history, theory and practice of art therapy and has completed
3 [~~six~~] seven hundred hours of supervised internship experience
4 from an accredited institution. The board may approve on a
5 case-by-case basis applicants who have a master's degree or a
6 doctoral degree from non-accredited institutions; or

7 (3) a master's degree in a counseling-related
8 field, as defined by rule, and completed a minimum of twenty-
9 four semester hours in an art therapy certificated program from
10 a regionally accredited institution or an nationally approved
11 American art therapy association program;

12 D. has completed one thousand client contact hours
13 of postgraduate face-to-face experience under appropriate
14 supervision beyond the requirements in [~~Paragraph (1)~~]
15 Paragraphs (1), (2) and (3) of Subsection C of this section [~~or~~
16 ~~two thousand client contact hours of postgraduate experience~~
17 ~~under appropriate supervision beyond the requirements in~~
18 ~~Paragraph (2) of Subsection C of this section~~]. Supervision
19 shall be under a [~~nationally licensed or American art therapy~~
20 ~~association-certified art therapist~~] New Mexico licensed
21 professional art therapist or certified board art therapist for
22 at least fifty percent of the working hours; and

23 E. is of good moral character with conduct
24 consistent with the code of ethics. "

25 Section 14. Section 61-9A-14 NMSA 1978 (being Laws 1993,

1 Chapter 49, Section 14, as amended) is amended to read:

2 "61-9A-14. REQUIREMENTS FOR LICENSED MENTAL HEALTH
3 COUNSELOR. --The board shall issue a license as a mental health
4 counselor to any person who files a completed application
5 accompanied by the required fees and who submits satisfactory
6 evidence that the applicant:

7 A. has reached the age of twenty-one;

8 ~~B. has obtained a master's or doctoral degree in~~
9 ~~counseling, marriage and family therapy or art therapy or meets~~
10 ~~the educational requirements for the terminal license;~~

11 ~~C. has arranged for a board-approved supervisor and~~
12 ~~a postgraduate experience plan for working under the~~
13 ~~appropriate supervision to meet marriage and family therapist,~~
14 ~~professional art therapist, or professional mental health~~
15 ~~counselor requirements for licensure;]~~

16 B. holds either a master's or doctoral degree from
17 an accredited institution in a counseling-related field, as
18 defined by rule;

19 C. has arranged for an appropriate supervision plan
20 and a postgraduate experience plan, as defined by rule, to meet
21 the licensing requirements for a:

22 (1) marriage and family therapist;

23 (2) professional art therapist;

24 (3) professional mental health counselor; or

25 (4) professional clinical mental health

1 counselor;

2 D. demonstrates professional competence by passing
3 an examination within the applicant's discipline as prescribed
4 by the board; and

5 E. is of good moral character with conduct
6 consistent with the code of ethics."

7 Section 15. Section 61-9A-14.1 NMSA 1978 (being Laws
8 1996, Chapter 61, Section 8, as amended) is amended to read:

9 "61-9A-14.1. SUBSTANCE ABUSE [~~INTERN~~] TRAINEE- -
10 REQUIREMENTS FOR LICENSURE. - -

11 A. The board shall license as a substance abuse
12 [~~intern~~] trainee any person who files a completed application
13 accompanied by the required fees and who submits satisfactory
14 evidence that the applicant:

15 (1) is of good moral character with conduct
16 consistent with the code of ethics;

17 (2) has reached the age of twenty-one;

18 (3) possesses a high school diploma or its
19 equivalent;

20 (4) has arranged for [~~a board-approved~~
21 ~~supervisor and experience plan for working under~~] an
22 appropriate supervision plan, as defined by rule, to meet the
23 requirements for licensure as a substance abuse counselor;

24 (5) has a total of ninety clock hours of
25 education and training in the fields of alcohol and drug abuse;

1 and

2 [~~(6) signs a code of ethics statement, as~~
 3 ~~approved by the board; and~~

4 ~~(7)] (6) provides three letters of~~

5 recommendation as established by rule.

6 B. Effective July 1, [~~2003~~] 2005, the board shall

7 license as a substance abuse [~~intern~~] trainee any person who

8 files a completed application accompanied by the required fees

9 and who submits satisfactory evidence that the applicant:

10 (1) is of good moral character, with conduct

11 consistent with the code of ethics;

12 (2) has reached the age of twenty-one;

13 (3) holds an associate degree [~~in counseling~~

14 ~~or~~] in a counseling-related [~~mental health~~] field, as defined

15 by rule, from [~~an~~] a regionally accredited institution and has

16 a total of ninety clock hours of education and training in the

17 fields of alcohol and drug abuse;

18 (4) has arranged for [~~a board-approved~~

19 ~~supervisor and experience plan for working under direct~~

20 ~~observation~~] an appropriate supervision plan, as defined by

21 rule, to meet the requirements for licensure as a substance

22 abuse [~~counselor~~] trainee; and

23 [~~(5) signs a code of ethics statement, as~~

24 ~~approved by the board; and~~

25 ~~(6)] (5) provides [~~three~~] two letters of~~

1 recommendation: one letter from a current supervisor and one
2 letter from a current employer [~~and~~] or one letter from a
3 professional substance abuse colleague. "

4 Section 16. Section 61-9A-14.2 NMSA 1978 (being Laws
5 1999, Chapter 161, Section 15) is amended to read:

6 "61-9A-14.2. ALCOHOL AND DRUG ABUSE COUNSELOR--
7 REQUIREMENTS FOR LICENSURE. --

8 A. The board shall license as an alcohol and drug
9 abuse counselor [~~any~~] a person who files a completed
10 application accompanied by the required fees and who submits
11 satisfactory evidence that the applicant:

12 (1) is of good moral character with conduct
13 consistent with the code of ethics;

14 (2) has reached the age of twenty-one;

15 [~~(3) possesses a high school diploma or its~~
16 ~~equivalent;~~

17 [~~(4) has passed an examination, as approved by~~
18 ~~the board;~~

19 [~~(5) signs a code of ethics statement, as~~
20 ~~approved by the board; and]~~

21 (3) demonstrates professional competency by
22 passing the required examination prescribed by the board; and

23 [~~(6)] (4) has one of the following~~

24 combinations of education and experience:

25 (a) an associate degree [~~or board-~~

1 ~~approved education and training that includes~~, including two
 2 hundred seventy-six clock hours of education and training with
 3 at least ninety hours in each of the fields of alcohol, drug
 4 and counseling and six hours of training in professional
 5 ethics, four years of experience in the practice of alcohol and
 6 drug abuse counseling under appropriate supervision and three
 7 hundred hours of approved practicum;

8 (b) a baccalaureate degree in a
 9 counseling-related [~~mental health~~] field, as defined by rule,
 10 from a regionally accredited institution and education or
 11 training that includes two hundred seventy-six clock hours of
 12 specific training that may be a part of the degree program and
 13 that includes at least ninety hours in each of the fields of
 14 alcohol, drug and counseling and six hours of training in
 15 professional ethics and three years of experience in the
 16 practice of alcohol and drug abuse counseling under appropriate
 17 supervision; or

18 (c) a master's degree in a [~~related~~
 19 ~~mental health~~] counseling-related field, as defined by rule,
 20 from a regionally accredited institution, two hundred seventy-
 21 six clock hours of specific training that may be part of the
 22 degree program and that includes at least ninety hours in each
 23 of the fields of alcohol, drug and counseling and six hours of
 24 training in professional ethics and two years of experience in
 25 the practice of alcohol and drug abuse counseling under

1 appropriate supervision.

2 B. Effective July 1, ~~[2003]~~ 2005, the board shall
3 license as an alcohol and drug abuse counselor ~~[any]~~ a person
4 who files a completed application accompanied by the required
5 fees and who submits satisfactory evidence that the applicant:

6 (1) is of good moral character with conduct
7 consistent with the code of ethics;

8 (2) has reached the age of twenty-one;

9 ~~[(3) holds a baccalaureate degree in~~
10 ~~counseling in a related mental health field from an accredited~~
11 ~~institution;~~

12 ~~(4) has passed an examination, as approved by~~
13 ~~the board;~~

14 ~~(5) signs a code of ethics statement, as~~
15 ~~approved by the board; and]~~

16 (3) demonstrates professional competency by
17 passing the required examinations prescribed by the board;

18 (4) provides three letters of recommendation:
19 one letter from a current supervisor, one letter from a current
20 employer and one letter from a professional substance abuse
21 colleague; and

22 ~~[(6)]~~ (5) has one of the following
23 combinations of education and experience:

24 (a) a baccalaureate degree in a
25 counseling-related [mental health] field, as defined by rule,

1 from a regionally accredited institution and education and
 2 training that includes two hundred seventy-six clock hours [~~of~~
 3 ~~specific training that may be a part of the degree program and~~
 4 ~~that includes at least] with ninety hours in each of the fields
 5 of alcohol, drug and counseling [~~education]~~ and six [~~clock]~~
 6 hours of [~~training in]~~ professional ethics, [~~and three hundred~~
 7 ~~hours of approved practicum and three]~~ two years and two
 8 thousand client contact hours [~~acquired within the last fifteen~~
 9 ~~years]~~ under appropriate supervision of experience in the
 10 practice of alcohol and drug abuse counseling [~~under~~
 11 ~~appropriate supervision]~~ and one hundred hours of face-to-face
 12 supervision; or~~

13 (b) a master's degree in counseling or a
 14 counseling-related [~~mental health]~~ field, as defined by rule,
 15 from a regionally accredited institution, and education and
 16 training that includes two hundred seventy-six clock hours [~~of~~
 17 ~~specific training that may be a part of the degree program and~~
 18 ~~that includes at least]~~ with ninety hours in each of the fields
 19 of alcohol, drug and counseling [~~education]~~ and six hours of
 20 [~~training in]~~ professional ethics, [~~and three hundred hours of~~
 21 ~~approved practicum and two]~~ one year and one thousand client
 22 contact hours [~~acquired within the last five years]~~ under
 23 appropriate supervision of experience in the practice of
 24 alcohol and drug abuse counseling [~~under appropriate~~
 25 ~~supervision]~~ and fifty hours of face-to-face supervision

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1 hours. "

2 Section 17. Section 61-9A-15 NMSA 1978 (being Laws 1993,
3 Chapter 49, Section 15, as amended) is amended to read:

4 "61-9A-15. EXAMINATIONS. --

5 A. Applicants who have met the requirements for
6 licensure shall be scheduled for the next appropriate
7 [~~examination~~] examinations following the approval of the
8 application. The board shall establish [~~by rule~~] the
9 [~~examination~~] board-approved examinations application deadline
10 and the requirements for reexamination if the applicant has
11 failed the [~~examination~~] examinations.

12 B. The [~~examination~~] examinations shall cover
13 subjects appropriate to the scope of practice as a licensed
14 mental health counselor, a professional mental health
15 counselor, a professional clinical mental health counselor, a
16 marriage and family therapist, a professional art therapist or
17 a substance abuse counselor. "

18 Section 18. Section 61-9A-16 NMSA 1978 (being Laws 1993,
19 Chapter 49, Section 16) is amended to read:

20 "61-9A-16. TEMPORARY LICENSURE. -- Prior to examination, an
21 applicant for licensure may obtain a temporary license to
22 engage in any counselor and therapist practice if the person
23 meets all of the requirements, except examination, provided for
24 in Section [~~10, 11, 12, 13 or 14 of the Counseling and Therapy~~
25 ~~Practice Act~~] 61-9A-10, 61-9A-11, 61-9A-12, 61-9A-13 or

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1 61-9A-14 NMSA 1978. The temporary license shall be valid no
 2 more than [~~thirty~~] sixty days after the results of the next
 3 examination become available. [~~At that time, should~~] If the
 4 individual should fail to take or pass [~~that examination~~] those
 5 examinations, the temporary license shall automatically expire
 6 and the applicant will not be reissued a temporary license."

7 Section 19. Section 61-9A-22 NMSA 1978 (being Laws 1993,
 8 Chapter 49, Section 22, as amended) is amended to read:

9 "61-9A-22. LICENSURE BY CREDENTIALS. - - [~~The board may~~
 10 ~~license an applicant without examination if the person~~
 11 ~~possesses a valid regulatory document issued by the appropriate~~
 12 ~~examining board under the laws of any other state or territory~~
 13 ~~of the United States, the District of Columbia or any foreign~~
 14 ~~nation that in the judgment of the board has requirements~~
 15 ~~substantially equivalent to or exceeding those in the~~
 16 ~~Counseling and Therapy Practice Act.~~

17 ~~An applicant for licensing pursuant to this section shall~~
 18 ~~be issued a temporary license by the department upon filing his~~
 19 ~~application along with proof of a valid current regulatory~~
 20 ~~document from another jurisdiction. This temporary license is~~
 21 ~~valid only until the board considers and acts on the~~
 22 ~~application. An applicant is entitled to only one temporary~~
 23 ~~license pursuant to this provision.] The board may issue a
 24 license to a person who files a completed application
 25 accompanied by the required fees and who submits satisfactory~~

1 evidence that the applicant holds a current license issued by
2 the appropriate examining board under the law of any other
3 state or territory of the United States, the District of
4 Columbia or any foreign nation and is:

5 A. a national certified counselor as determined by
6 the national board of certified counselors; or

7 B. a certified clinical mental health counselor as
8 determined by the national board of certified counselors; or

9 C. a clinical member of the American association
10 for marriage and family therapy; or

11 D. a registered art therapist, board certified
12 (ATR-BC) by the art therapy credential board; or

13 E. an alcohol and drug abuse counselor and has
14 taken and passed the required examination prescribed by the
15 board.

16 Applicants who do not meet the licensure by credential
17 must meet the current licensure requirements."

18 Section 20. Section 61-9A-23 NMSA 1978 (being Laws 1993,
19 Chapter 49, Section 23, as amended) is amended to read:

20 "61-9A-23. LICENSE AND REGISTRATION RENEWAL. --

21 A. Each licensee or registrant shall renew his
22 license or registration biennially by submitting a renewal
23 application on a form provided by the board and complying with
24 all renewal requirements. [~~Licenseses with even-numbered~~
25 ~~licenses shall renew in even-numbered years. Licenseses with~~

1 ~~odd-numbered licenses shall renew in odd-numbered years.]~~ The
 2 board may establish a method to provide for staggered biennial
 3 terms. The board may authorize license renewal for one year to
 4 establish this renewal cycle and charge the proportionate
 5 license fee for that period.

6 ~~[B. A ninety-day grace period shall be allowed each~~
 7 ~~licensee or registrant after the license or registration~~
 8 ~~period, during which time licenses and registrations may be~~
 9 ~~renewed upon payment of the renewal fee and late fee and~~
 10 ~~compliance with all renewal requirements.]~~

11 B. If a license is not renewed by the expiration
 12 date, the licensee or registrant will be considered expired and
 13 will refrain from practicing. The licensee or registrant may
 14 renew within a ninety-day grace period by submitting payment of
 15 the renewal fee, late fee and compliance with all renewal
 16 requirements. Upon receipt of payment and ceu requirements,
 17 the licensee and registrant may resume practice. Failure to
 18 receive renewal notice and application for renewal of license
 19 from the board does not excuse a licensed professional
 20 counselor from the requirements for renewal.

21 C. If continuing education units requirements are
 22 not completed within the licensing period and by the expiration
 23 date, the license or registrant will be considered expired and
 24 will refrain from practicing.

25 ~~[C. Any]~~ D. A license or registration granted by

1 the board shall be automatically suspended if the holder fails
2 to apply for the renewal license or registration provided for
3 in this section within a period of [~~three months~~] ninety days
4 after the renewal deadline; provided that any license or
5 registration so suspended may be restored by the board upon
6 payment of a reinstatement fee not to exceed one hundred
7 dollars (\$100) in addition to [~~any~~] unpaid renewal or late
8 fees. Failure to renew a license or registration within [~~three~~
9 ~~months~~] ninety days from the date of suspension as provided in
10 this section shall cause the license or registration to [~~be~~]
11 automatically [~~revoked~~] expire. Reinstatement of [~~a revoked~~]
12 an expired license or registration will require the licensee to
13 reapply and meet all current standards for licensure or
14 registration.

15 [~~D.~~] E. A person licensed or registered under the
16 Counseling and Therapy Practice Act who wishes to retire from
17 practice shall notify the board in writing before the
18 expiration of his current license or registration. If, within
19 a period of five years from the year of retirement, the
20 licensee or registrant wishes to resume practice, he shall so
21 notify the board in writing, and upon giving proof of
22 completing such continuing education as prescribed by rule of
23 the board and the payment of [~~an amount equivalent to all~~
24 ~~lapsed renewal fees~~] a renewal license fee and reinstatement
25 fee, his license or registration shall be restored to him in

1 full effect."

2 Section 21. Section 61-9A-24 NMSA 1978 (being Laws 1993,
3 Chapter 49, Section 24, as amended) is amended to read:

4 "61-9A-24. LICENSE AND REGISTRATION FEES.--Applicants for
5 licensure or registration shall pay biennial fees set by the
6 board in an amount not to exceed:

7 A. for application for initial licensure or
8 registration, seventy-five dollars (\$75.00), which is not
9 refundable;

10 B. for licensure or renewal as a professional
11 mental health counselor or registered independent mental health
12 counselor, three hundred dollars (\$300);

13 C. for licensure or renewal as a clinical
14 professional mental health counselor, marriage and family
15 therapist or professional art therapist, four hundred twenty
16 dollars (\$420);

17 D. for registration or renewal as a registered
18 mental health counselor, licensed mental health counselor or
19 registered independent mental health counselor, two hundred
20 forty dollars (\$240);

21 E. for all examinations, seventy-five dollars
22 (\$75.00) or, if a national examination is used, an amount that
23 shall not exceed the national examination costs by more than
24 twenty-five percent;

25 F. for a duplicate or replacement license or

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1 registration, twenty-five dollars (\$25.00);

2 G. for failure to renew a license or registration
3 within the allotted grace period, a late penalty fee not to
4 exceed one hundred dollars (\$100);

5 H. reasonable administrative fees; and

6 I. for licensure, registration or renewal as an
7 alcohol and drug abuse counselor, an alcohol abuse counselor, a
8 drug abuse counselor or a substance abuse intern, two hundred
9 dollars (\$200). "